

05.07.2023.
58.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1136 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili P.S. Case No.137 of 2022 dated 07.06.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act and charge sheet submitted under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

In the matter of : Safikul Mondal @ Safikul Mandal.

.... Petitioner.

Ms. Busra Khatun.

...for the Petitioner.

Mr. Sandip Chakraborty.

...for the State.

Petitioner submits no narcotics was recovered from his possession. He has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had harboured the co-accused who was transporting narcotics in his motorcycle. He was also present at the spot but fled away at the time of recovery.

We have considered the materials on record. There is no legally admissible evidence that petitioner was present at the place of occurrence. Statement of local witnesses with regard to involvement of the petitioner in narcotic trade is generic and does not relate to the transaction in question.

In view of the scanty material on record, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

Accordingly, the petitioner viz. Safikul Mondal @ Safikul Mandal shall be released on bail upon furnishing a bond of

Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Balurghat, Dekshin Dinajpur subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)